

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NOVARTIS PHARMACEUTICALS
CORPORATION, NOVARTIS AG,
NOVARTIS PHARMA AG, NOVARTIS
INTERNATIONAL PHARMACEUTICAL
LTD. and LTS LOHMANN THERAPIE-
SYSTEME AG,

Plaintiffs,

v.

ALVOGEN PINE BROOK, INC. and
ALVOGEN GROUP, INC.,

Defendants.

C.A. No. 1:13-cv-00052-RGA

STIPULATED FINAL JUDGMENT OF NONINFRINGEMENT

WHEREAS the Court granted summary judgment that the 4.6 mg/24 hr and 9.5 mg/24 hr dosage strength rivastigmine transdermal system products described in Defendants Alvogen Pine Brook, Inc. and Alvogen Group, Inc.’s (collectively, “Alvogen”) Abbreviated New Drug Application (“ANDA”) No. 204403 do not infringe U.S. Patents No. 6,355,031 (“the ‘031 patent”) and 6,316,023 (“the ‘023 patent”) (D.I. 172);

WHEREAS Plaintiffs shall not be deprived of their right to pursue any and all relief against Alvogen (including Alvogen’s subsidiaries, officers, directors, employees, customers, distributors, suppliers, representatives and agents, and their successors and assigns) for infringement of the ‘031 patent and/or the ‘023 patent in the event that Plaintiffs subsequently discover that the specification(s), composition(s), method(s) of manufacture or other aspect(s) of the 4.6 mg/24 hr and/or 9.5 mg/24 hr dosage strength rivastigmine transdermal system products presently described in Alvogen’s ANDA No. 204403 have changed so as to result in infringement of the ‘031 patent and/or the ‘023 patent; and

WHEREAS Plaintiffs Novartis Pharmaceuticals Corporation, Novartis AG, Novartis Pharma AG, Novartis International Pharmaceutical Ltd. and LTS Lohmann Therapie-Systeme AG (collectively, “Plaintiffs”) and Alvogen hereby stipulate and agree, subject to the approval and order of the Court, to the dismissal of Alvogen’s counterclaims of invalidity without prejudice and to the entry of final judgment of noninfringement in the above-captioned matter as follows:

IT IS ORDERED AND ADJUDGED that Alvogen’s counterclaims for declarations of invalidity of the ‘023 patent (Count II) and ‘031 patent (Count IV) in the Answer and Counterclaims (D.I. 14) be dismissed without prejudice.

IT IS FURTHER ORDERED AND ADJUDGED that final judgment of noninfringement is hereby entered in favor of Alvogen and against Plaintiffs as to: (1) Plaintiffs’ claims set forth in their Complaint (D.I. 1) relating to the 4.6 mg/24 hr and 9.5 mg/24 hr dosage strength rivastigmine transdermal system products described in Alvogen’s ANDA No. 204403; and (2) Alvogen’s counterclaims for declarations of noninfringement set forth in Counts I and III of Alvogen’s Answer and Counterclaims (D.I. 14).

IT IS STILL FURTHER ORDERED AND ADJUDGED that the parties shall bear their own costs and attorneys’ fees.

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Dated: June 24, 2014

The Honorable Richard G. Andrews
United States District Judge